

NOTICE OF CLAIM

TO: ROBERT ANDERSON, LAKE NEBAGAMON VILLAGE BOARD PRESIDENT
 SWAN DAWSON, LAKE NEBAGAMON VILLAGE CLERK
 WILLIAM BLUST, LAKE NEBAGAMON ZONING BOARD PRESIDENT

NOTICE OF CLAIM OF JOHN B. and GENEVIEVE M. GRAVES, PURSUANT TO WIS. STATS. SEC. 893.80(1).

JOHN B. GRAVES and GENEVIEVE M GRAVES, AS BUSINESS OWNERS AND OPERATORS OF A BAR AND RESTAURANT IN THE VILLAGE OF LAKE NEBAGAMON, WISCONSIN, AND AS INDIVIDUALS, DO HEREBY CLAIM THAT THE VILLAGE OF LAKE NEBAGAMON AND ITS EMPLOYEES AND REPRESENTATIVES, HAVE IN THE PAST AND CONTINUE TO, SELECTIVELY, CAPRICIOUSLY AND ARBITRARILY ENFORCE LOCAL LAWS AND ORDINANCES AGAINST OURSELVES, OUR BUSINESS AND OUR EMPLOYEES TO THE DETRIMENT OF OUR ECONOMIC PROSPERITY, OUR RIGHTS TO EARN A LIVING AND THEREBY DENYING OUR CONSTITUTIONALLY PROTECTED RIGHTS TO LIFE, LIBERTY AND THE PURSUIT OF HAPPINESS..

THIS PRACTICE OF SELECTIVE ENFORCEMENT HAS BEEN HARASSING IN NATURE, DISCRIMINATORY IN ITS APPLICATION AND HAS CAUSED, AND CONTINUES TO CAUSE, ANIMOSITY AND RETALIATION TOWARDS MYSELF, MY FAMILY, MY BUSINESS AND MY EMPLOYEES. THE FRACTURING OF OUR SMALL COMMUNITY HAS DONE IRREPARABLE HARM TO MY BUSINESS, MY EMPLOYEES AND MY FAMILY ESPECIALLY DURING THE ECONOMIC RECESSION WE ARE NOW EXPERIENCING.

SINCE 2003, THE FOLLOWING ACTIONS HAVE BEEN PERPETRATED BY THE VILLAGE BOARD OF LAKE NEBAGAMON, OR ITS DELEGATE:

1. THE VILLAGE CHALLENGED EFFORTS TO HAVE APPROPRIATELY IDENTIFIABLE SIGNAGE TO ADVERTISE THE BUSINESS. OTHER BUSINESSES IN THE COMMUNITY ARE ABLE TO APPLY THE SAME ADVERTISEMENT WITHOUT HAVING TO PERFORM THE SAME VILLAGE PERMITTING PROCESS.

2. THE VILLAGE CHALLENGED EFFORTS TO HAVE APPROPRIATE LIGHTING TO PROTECT AND ADVERTISE THE BUSINESS. THE VILLAGE ISSUED A PERMIT FOR THE LIGHT AND SIGN. BUT AFTER THE NEIGHBOR COMPLAINED, THE PERMIT WAS REVOKED. AFTER A COURT DECISION, THE LIGHT AND SIGN WAS ALLOWED TO REMAIN. THIS IS THE ONLY CASE THE VILLAGE HAS FILED AGAINST AN ONGOING BUSINESS AND THE ONLY SIGN PERMIT THAT HAS BEEN REVOKED.

3. THE VILLAGE CHALLENGED EFFORTS TO INSTALL A FUEL PUMPING STATION TO SERVE THE NEEDS OF BOATERS AND OTHER RECREATIONAL WATER CRAFT OWNERS. THE DEPARTMENT OF COMMERCE INTERVENED AND THE FUELING STATION WAS COMPLETED. OTHER BUSINESSES IN THE COMMUNITY HAVE CONSTRUCTED SIMILAR STATIONS BUT WERE NOT REQUIRED TO UNDERGO THE SAME OBSTACLES THAT THE WATERFRONT BAR WAS SUBJECTED TO BY THE VILLAGE.

4. THE VILLAGE CHALLENGED EFFORTS TO EXPAND THE EXISTING OUTDOOR DECK (THIS CHALLENGE WAS SO THREATENING TO ME PERSONALLY AS WELL AS TO MY BUSINESS, IN THAT THE LOCAL CONSTABLE AND VILLAGE BOARD AND ZONING MEMBER, ACTUALLY STOOD BY TO WATCH THE TEAR DOWN OF THE DECK ADDITION WITH THE THREAT OF A \$100.00 PER DAY FINE IF I DID NOT IMMEDIATELY COMPLY). THIS ADDITION TO THE DECK WAS INITIALLY GIVEN APPROVAL BY THE VILLAGE WITH THE ISSUANCE OF A PERMIT FOR THE DECK ADDITION. WITHOUT AUTHORITY, THE VILLAGE BOARD AND ZONING MEMBER, DIRECTED THE REMOVAL OF THE DECK EVEN THOUGH A PERMIT HAD BEEN GRANTED. DUE PROCESS WAS DENIED AND THERE WAS NO RECOURSE AS IMMEDIATE COMPLIANCE WAS ORDERED AS THE POLICE OFFICER STOOD BY. THE VILLAGE ZONING ADMINISTRATOR WAS LATER CORRECTED BY A STATE BUILDING INSPECTOR AS TO HIS ENFORCEMENT OF THE BUILDING CODE. AS A RESULT, A LETTER FROM THE THEN ACTING VILLAGE BOARD PRESIDENT APOLOGIZING FOR

THE VILLAGE'S BEHAVIOR AND A GUARANTEE THAT THIS TYPE OF ACTION WOULD NEVER AGAIN OCCUR WAS ISSUED. OTHER BUSINESSES HAVE BEEN PERMITTED TO EXPAND THEIR DECK AREA WITHOUT HAVING THE VILLAGE REVOKE THEIR PERMIT AND REMOVE THEIR DECK. THE VILLAGE HELD THE WATERFRONT BAR AND GRILL TO A DIFFERENT PERMITTING PROCESS AND HIGHER STANDARD THAN OTHER BUSINESSES LOCATED IN LAKE NEBAGAMON.

5. THE VILLAGE CHANGED THE BUSINESS'S ZONING CODE, AND THE CODE BECAME MUCH MORE RESTRICTIVE, WITHOUT ANY NOTIFICATION TO THOSE AFFECTED BUSINESSES. THE VILLAGE POLICY IN THE PAST HAS BEEN TO HAVE OPEN MEETINGS AND PUBLIC INPUT BEFORE THE CODE IS CHANGED. IN THIS INSTANCE THERE WAS NO PUBLIC MEETING BEFORE THE CODE WAS CHANGED. WE CONTEND THE CODE WAS CHANGED ILLEGALLY CONTRARY TO WIS. STAT. ALLOWING FOR THE CHANGE IN THE VILLAGE ZONING CODE. THIS CHANGE WAS TO HINDER THE USE OF COMMERCIAL PROPERTY IN LAKE NEBAGAMON, AND MORE SPECIFICALLY AT DETERING BUSINESS TO BE CONDUCTED BY THE WATERFRONT BAR AND GRILL.

6. THE VILLAGE ISSUED CITATIONS AND LAWSUITS AGAINST EFFORTS OF PROVIDING A MINI GOLF COURSE ON COMMERCIAL ZONED PROPERTY. AFTER MANY HOURS OF TESTIMONY, DISCOVERY AND NEGOTIATION, AN AGREEMENT AND STIPULATION WAS SIGNED BY THE PARTIES TO RESOLVE THIS MATTER.

7. THE VILLAGE REFILED A LAWSUIT AGAINST THE WATERFRONT BAR CONCERNING THE MINI GOLF COURSE. THIS LAWSUIT WAS REFILED WELL OVER A YEAR AFTER THE SIGNING OF THE AGREEMENT, THAT SAID AGREEMENT WAS SIGNED WITHOUT PREJUDICE AND COST, AND THE ALLEGATION OF THE VILLAGE THAT I FAILED TO COMPLY WITH ONLY ONE CLAUSE OF THE STIPULATION (TO RECEIVE A CONDITIONAL USE PERMIT FOR THE MINI GOLF COURSE) WAS A CLAUSE THAT WAS NOT IN MY AUTHORITY OR CONTROL TO COMPLY. A COMPLETED APPLICATION WAS GIVEN TO THE VILLAGE BUT THE ZONING BOARD AND THE VILLAGE BOARD DENIED THE APPLICATION FOR A CONDITIONAL USE PERMIT. THIS MATTER IS PENDING COURT DECISION.

8. THE VILLAGE ISSUED THREE CITATIONS FOR “FAILURE TO MAINTAIN PROPERTY” WHICH MATTER WILL BE HEARD IN COURT BEFORE A JURY. TWO VILLAGE BOARD MEMBERS DIRECTED THE LOCAL CHIEF OF POLICE TO STOP ISSUING ANY MORE CITATIONS ON THIS MATTER UNTIL IT HAS BEEN ADJUDICATED BY THE COURT. AS OF THIS DATE, NO OTHER COMMERCIAL PROPERTY OWNER OR RESIDENTIAL PROPERTY OWNER HAS EVER RECEIVED THIS TYPE OF CITATION.

9. THE VILLAGE ISSUED NINE (9) JUNK VEHICLE CITATIONS IN THE COURSE OF APPROXIMATELY THREE (3) MONTHS. THIS MATTER WAS TAKEN TO COURT AND THE DEFENSE WAS SELECTIVE CODE ENFORCEMENT. COURT TESTIMONY BY THE CHIEF OF POLICE VALIDATED THAT THE VILLAGE ACTS ONLY ON A COMPLAINT BASIS AND THE VILLAGE HAS MADE NO ATTEMPT TO SYSTEMATICALLY ENFORCE ANY OF THEIR LOCAL CODES. THIS MATTER IS ALSO PENDING COURT DECISION.

10. THE VILLAGE BOARD VIOLATED WISCONSIN OPEN MEETING LAWS ON SEVERAL OCCASIONS. ONE VIOLATION RESULTED IN A LAWSUIT THAT COST THE VILLAGE TAX PAYERS SEVERAL THOUSAND DOLLARS.

11. THE VILLAGE OF LAKE NEBAGAMON CONTINUES A CAMPAIGN OF HARRASMENT BY CONTINUALLY PLACING THE WATERFRONT BAR AND GRILL ON THEIR MONTHLY BOARD MEETING AGENDA. IT IS UNREASONABLE TO HAVE THE BUSINESS ON THE AGENDA OVER 30 TIMES IN THE LAST 5 YEARS. BY THIS THE VILLAGE IS TRYING TO APPLY EMOTIONAL DURESS IN ITS EFFORTS TO EITHER HAVE THE BUSINESS CLOSE OR FORCE THE OWNERS TO SELL.

12. AFTER THE JUNK VEHICLE COURT PROCEEDINGS, THE POLICE CHIEF OF THE VILLAGE OF LAKE NEBAGAMON MADE CONTACT WITH LOCAL BUSINESS OWNERS WARNING THEM THAT CERTAIN PEOPLE HAVE MADE COMPLAINTS ABOUT THEIR PROPERTIES. NOT ONLY WAS THIS WAY BEYOND THE SCOPE OF THE DUTIES OF THE CHIEF OF POLICE, NO COMPLAINT WAS EVER MADE BY ME OR MY WITNESS AT TRIAL. THIS WAS DONE TO CREATE MORE ANTAGONISM AND ANIMOSITY AGAINST MYSELF, MY BUSINESS AND MY FRIENDS.

13. WE CONTEND THAT VILLAGE BOARD MEMBERS AND ZONING BOARD MEMBERS ABUSED THEIR AUTHORITY GIVEN TO THEM. THEY USED THEIR POWERS TO HARRASS AND DEFAME. THEY USED THEIR AUTHORITY NOT FOR THE BEST INTEREST OF THE VILLAGE AS A WHOLE BUT RATHER TO PROMOTE THEIR OWN SELF INTERESTS AND APPEASE FRIENDS. A REASONABLE PERSON GIVEN THE SAME AUTHORITY SHOULD HAVE GOVERNED IN AN UNBIASED AND INFORMED MANNER THEREBY FULFILLING THEIR FIDUCIARY OBLIGATION TO THE CITIZENS OF LAKE NEBAGAMON. THE VILLAGE BOARD CONDUCTS BUSINESS IN A DISCRIMINATORY MANNER TOWARD THE WATERFRONT BAR AND GRILL, JOHN AND GENEVIEVE GRAVES AND THE EMPLOYEES OF SAID BUSINESS. WE FURTHER CONTEND THAT VILLAGE BOARD MEMBERS AND ZONING BOARD MEMBERS USED AND ABUSED THEIR POWERS IN INFLUENCING VILLAGE RESIDENTS AS TO WHERE THEY CAN OR CANNOT GO. THIS ACTION HAS RESULTED IN AN UNFAIR AND DISCRIMINATORY BUSINESS ENVIRONMENT FOR THE WATERFRONT BAR AND GRILL.

14. ON DIFFERENT OCCASIONS THE POLICE CHIEF HAS BEEN CAUGHT FOLLOWING FEMALE EMPLOYEES HOME AFTER LEAVING THE WATERFRONT BAR AT THE CONCLUSION OF THEIR SHIFTS. ON ONE SPECIFIC OCCASION, THE MALE COMPANION OF THE FEMALE EMPLOYEE CONFRONTED THE OFFICER. AT WHICH TIME THE CHIEF OF POLICE SAID HE HAD A RIGHT TO FOLLOW PEOPLE. THIS WAS A VERY FRIGHTENING EXPERIENCE FOR THE FEMALE EMPLOYEE WHICH LEAD TO HER HAVING EMOTIONAL DURESS ABOUT WORKING IN LAKE NEBAGAMON.

15. THE VILLAGE IS UNREASONABLE IN ITS EFFORTS TO MITIGATE ZONING CHALLENGES. IT USES THE SAME VILLAGE BOARD TRUSTES THAT DENIED AN ACTION, TO HEAR THE SAME ACTION IN THE APPEAL PROCESS.

16. THE VILLAGE ON SEVERAL OCCASIONS HAS DISCRIMINATED AGAINST THE WATERFRONT BAR AND GRILL, JOHN AND GENEVIEVE GRAVES, AND THE EMPLOYEES OF SAID BUSINESS. THEY HAVE HINDERED THE ONGOING BUSINESS ACTIVITIES AT THE WATERFRONT BAR AND GRILL AND HAVE CAUSED EMOTIONAL AND PHYSICAL DURESS FOR BOTH JOHN AND GENEVIEVE GRAVES AS WELL AS THEIR EMPLOYEES.

17. ON ONE OCCASION THE POLICE CHIEF DEMANDED TO ENTER THE WATERFRONT BAR AND GRILL AFTER THE DOORS WERE LOCKED AND THE BUSINESS WAS CLOSED. HE POUNDED ON THE DOOR REPEATEDLY, HE DID NOT IDENTIFY HIMSELF, AND HE WAS NOT IN UNIFORM. THE EMPLOYEE WAS VERY FRIGHTENED AS HE USED PROFANITY AND EXHIBITED AGGRESSIVE BEHAVIOR. NOT ONLY WERE HIS ACTIONS UNBECOMING AN OFFICER DURING THE ROUTINE PROTOCOL OF ENFORCING THE LAW, IT ADDED GREATLY TO THE EMPLOYEE'S FEAR FOR HER SAFETY.

18. ON SEVERAL OCCASIONS THE VILLAGE POLICE CHIEF HAS CALLED THE BUSINESS AND DEMANDED THAT EMPLOYEES PERFORM ACTS CONTRARY TO BUSINESS POLICY, IN ESSENCE TRYING TO HINDER AND RESTRICT THE BUSINESS FROM ACHIEVING SUCCESS IN EFFORTS TO PROVIDE A PLACE FOR CUSTOMERS TO ENJOY THEMSELVES AND RELAX. AGAIN, THE CHIEF OF POLICE OVERSTEPPED HIS BOUNDS IN DETERING THIS BUSINESS FROM BEING SUCCESSFUL.

19. A MEMO HAS BEEN PRODUCED BY THE POLICE CHIEF ENCOURAGING THE POLICE OFFICERS IN LAKE NEBAGAMON TO FOLLOW JOHN GRAVES AND HIS FAMILY AND REPORT ON ANY UNUSUAL ACTIVITY. THIS IS TARGETING BOTH JOHN GRAVES AND GENEVIEVE GRAVES FOR SELECTIVE ENFORCEMENT. THIS SELECTIVE ENFORCEMENT WAS DONE WITH AN EVIL EYE AND AN UNEQUAL HAND SO AS TO PRACTICALLY MAKE UNJUST AND ILLEGAL DISCRIMINATIONS TO PERSONS IN SIMILAR CIRCUMSTANCES.

20. THE VILLAGE HOLDS THE WATERFRONT BAR AND GRILL TO A DIFFERENT SET OF STANDARDS THAN OTHER BUSINESSES IN THE VILLAGE WHEN IT COMES TO ZONING ISSUES, ENFORCEMENT AND POLICING.

THIS BEHAVIOR BY THE VILLAGE HAS BEEN ONGOING AND RELENTLESS SINCE 2003 AND THE ONLY RECOURSE IS TO FILE THIS CLAIM OF LIABILITY AGAINST THE VILLAGE OF LAKE NEBAGAMON SO THAT THEY CEASE AND DESIST WITH THIS DISCRIMANTORY ACTION.

PERSONS INVOLVED: Robert Anderson, Village President
Swan Dawson, Village Clerk
William Blust, Zoning Board President
Ray Enright, Howard Levo, Al Lisdahl, Carol Mallegni,
Perry Flemmens and Tim Fitzgerald, Village Trustees
Ron Sullivan, Village Police Chief
Neil Hensrud, former Village President
Jim Smith, Dennis Grossman and Jeanette Biser, former
Village Trustees

DAMAGES;

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| Attorney's fees & costs: | \$ 500.00 |
| Loss of business revenue, defamation, anxiety, Embarrassment, stress, loss of enjoyment Of life, selective enforcement, Emotional duress and harassment, age Discrimination: | \$50,000.00 |

JOHN AND GENEVIEVE GRAVES demand satisfaction in the amount of \$50,500.00 against the Village of Lake Nebagamon and all others named above.

Dated this 2nd day of February, 2010.

JOHN B. GRAVES

GENEVIEVE M. GRAVES

OATH OF CLAIMANTS

We, JOHN B. GRAVES and GENEVIEVE M. GRAVES, swear and declare that we have read the foregoing Notice of Claim and hereby acknowledge that we are bound by all statements contained therein.

Subscribed and sworn to before me

This _____ day of February, 2010

Notary Public, State of Wisconsin

My Commission _____

WE RESPECTFULLY REQUEST THAT THIS CORRESPONDENCE BE READ INTO THE VILLAGE BOARD MEETING MINUTES AND BECOME A PART THEREOF.